



Appeal Decision

Site visit made on 10 July 2017

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th July 2017

Appeal Ref: APP/X5210/W/17/3172166
20 Flaxman Terrace, London WC1H 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Salaft Properties Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/0788/P, dated 11 February 2016, was refused by notice dated 23 January 2017.
 - The development proposed was originally described as: 'Part One, Part Two storey extension of existing building at roof level to provide 646 sqm (GIA) of additional office accommodation with associated plant, cycle and refuse store.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development set out in the banner heading above is taken from the application form. However, the scheme was revised and amended plans submitted to the Council before the planning application was determined. The amended plans show a single storey roof extension finished in buff brick, rather than the part single storey part two storey glazed extension originally proposed. The Council's decision notice describes the proposed development as "Erection of single storey roof extension to provide 226sqm additional office space (Class B1a) and associated works". I have based my decision on the revised scheme and the description of development set out on the Council's decision notice, since no party would be prejudiced or caused any injustice by me taking this course of action.
3. The Council has adopted the Camden Local Plan (the LP) since the application was determined and the appeal lodged. This replaces the Camden Core Strategy and Camden Development Policies as the basis for planning decisions in the borough. I have therefore had regard to the LP policies identified in the Council's appeal statement, which supersede the policies of the Core Strategy and Development Policies set out in the decision notice.

Main Issues

4. The main issues are whether the appeal proposal would:
 - a) Preserve or enhance the character or appearance of the Bloomsbury Conservation Area and preserve the setting of nearby listed buildings;

- b) Take adequate measures to minimise the effects of, and adapt to, climate change through sustainable design and construction;
- c) Provide a planning obligation to secure appropriate provision for off-site housing and a construction management plan.

Reasons

Character and appearance

- 5. The appeal site is located on Flaxman Terrace in Bloomsbury Conservation Area (the Conservation Area) which derives its essential character from the grid pattern of streets lined by predominantly 3 and 4 storey buildings dating from the 17th to 19th centuries and punctuated by formal squares.
- 6. Flaxman Terrace runs diagonally north-east from Burton Street and, in contrast to the principal streets in the Conservation Area, has a 'back street' character. The north-west side, where the appeal property is located, features a range of 2 and 3 storey former industrial and warehouse buildings which appear to date from the late 19th and early 20th century with some later additions.
- 7. The existing building on the appeal site is in office use and varies in height from 2 to 3.5 storeys above basement. It comprises an early 1900's warehouse to the rear and a 1950's addition facing Flaxman Terrace. This element clearly reads as a later addition to the original warehouse, and has a strong horizontal emphasis. At pavement level the building features a plinth of glass blocks, above which are layers of white rendered panels and Crittall windows with projecting heads and cills. It is finished with a deeply projecting slender parapet which provides a defined 'top' to the building punctuated only by the striking central vertical projection housing the entrance and stairwell.
- 8. Together, the group of buildings on the north-west side of Flaxman Terrace have a subservient appearance, providing a muted backdrop for the grander buildings on the south-east side of the street. These include a handsome series of Edwardian mansion blocks and The Lodge, a Grade II listed 2 storey above basement building dating from the early 1900's which stands near the junction with Burton Street and Duke's Road.
- 9. When looking north-east along Flaxman Terrace from this junction, the 1950's element of the appeal property and The Lodge opposite are seen together. The buildings are of a similar height and form a harmonious pairing. Although the 1950's addition has a simple pared-back design it appears to take design references from the more ornate listed building, notably the emphatic plinth at street level, the use of white render, the horizontal emphasis of the string courses and overhanging eaves and the centrally positioned entrance with a gable feature rising above eaves level.
- 10. It is proposed to erect a single storey extension on the flat roof of the 1950's addition. The roof extension would be faced in buff bricks and finish flush with the front elevation below, giving it a solid, top-heavy appearance which would reduce the prominence of the overhanging parapet and entrance feature. The proposed metal framed windows would reflect the materials and horizontal emphasis of existing fenestration. However, they would be recessed between substantial chamfered brick piers which would be wider and more overbearing than the slim vertical rendered panels between the existing windows.

11. Whilst the extension would not exceed the height of the original warehouse to the rear of the site and would be lower than its immediate neighbours, it would nevertheless dominate the appeal property and the resultant building would appear significantly more prominent within the street. This would harm the subservient 'back-street' character of the existing building and compete with, rather than complement, The Lodge. There are some tall buildings in the surrounding area, however they are located some distance away on Euston Road and so do not intrude upon the setting of the listed building.
12. The late 19th century Grade II listed building at 17 Duke's Road is not seen in views of the appeal site, and the proposed development would not have a harmful effect upon its setting.
13. Overall, for the reasons set out above, I conclude that the appeal proposal would not preserve the character or appearance of the Conservation Area or preserve the setting of The Lodge, a Grade II listed building. Consequently, it would conflict with the design and heritage conservation and enhancement aims of LP Policies D1 and D2.
14. In the parlance of the National Planning Policy Framework (the Framework), the harm to the designated heritage assets are less than substantial. However, any harm requires clear and convincing justification. The provision of an additional 226sqm of office space does not amount to a public benefit which convincingly outweighs the harm caused to the heritage assets.

Sustainable design and construction

15. LP Policy CC1 requires all development to minimise the effects of climate change, whilst LP Policy CC2 requires development to be resilient to climate change and adopt appropriate climate change adaptation measures. The extension would feature a sizeable flat roof and a number of vertical surfaces which have the potential to incorporate bio-diverse roofs, combination green and blue roofs and green walls. The Sustainability and Energy Strategy does not fully explore the feasibility of including such measures within the scheme, and I am not persuaded that the proposal incorporates adequate adaptation measures and sustainable development principles into the design. It would not be appropriate to deal with this matter by way of a condition because it would be likely to result in changes to the finished appearance of the development.
16. For the above reasons, based on the very limited evidence before me, I conclude that the appeal proposal would not take adequate measures to minimise the effects of, and adapt to, climate change through sustainable design and construction. As such the proposal would not accord with the climate change mitigation and adaptation aims of LP Policies CC1 and CC2.

Planning obligation

17. In relation to reasons for refusal No 3 and 4 set out in the decision notice, the appellant has submitted a Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990. This would secure a financial contribution towards the supply of offsite housing together with a construction management plan. If I were to allow the appeal, I would need to consider the obligation against the relevant statutory tests. However, as I have found conflict with the development plan in relation to the first and second main issues, I have not addressed this matter further.

Other matters

18. I note that at pre-application stage the Council indicated support for the principle of extending the building upwards, and that the proposal has been amended significantly in an attempt to address the Council's concerns about the original scheme. Based on the evidence before me, it appears that the Council has worked with the appellant in accordance with Paragraph 187 of the Framework but, following detailed assessment of the proposal, found conflict with the development plan. In any event, these matters do not materially affect my consideration of the planning merits of the appeal proposal.

Conclusion

19. I have found harm in relation to the first and second main issues. The appeal proposal would conflict with the development plan in respect of these issues and consequently cannot benefit from the presumption in favour of sustainable development. The development would create additional office accommodation in a highly accessible area of central London. Whilst this benefit is a material consideration which I afford moderate weight, it is not sufficient to outweigh my findings in respect of the first and second main issues and does not lead me to determine the appeal other than in accordance with the development plan.
20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR